

AS

**Notice of Allowability**

Application No.

09/332,273

Examiner

Elena Tsoy

Applicant(s)

MIENTUS ET AL.

Art Unit

1762

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 29, 2004.
2. ☒ The allowed claim(s) is/are 81-85, 87-89, 91-95, 97-99, 101-104, 107-110, 113 and 115-118.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 4/11/01.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas W. Adams on March 4, 2004.

Please substitute an Abstract filed on June 11, 19999 with the following:

#### Abstract of the Disclosure

This invention relates to a multilayered thermoplastic film comprising: a thermoplastic core layer having a first side and a second side, the core layer comprising: a polyolefin having a density in the range of about 0.89 to about 0.97 grams per cubic centimeter; a second polymeric material selected from ionomers derived from sodium, lithium or zinc and an ethylene/methacrylic acid copolymer, and a combination thereof, and a light stabilizer; an abrasion and scuff resistant clear first thermoplastic skin layer overlying the first side of the core layer, and a clear second thermoplastic skin layer overlying the second side of the core layer, both skins containing light stabilizer. The composition of the core layer is different from the composition of the skin layers, and the core layer and the skin layers are characterized by the absence of PVC.

#### *Allowable Subject Matter*

2. Claims 81-85, 87-89, 91-95, 97-99, 101-104, 107-110, 113, 115-118 are allowed.

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The following is an examiner's statement of reasons for allowance: Claims 81, 93, 103, 115, 117 are allowed because the prior art of the record does not teach or suggest a multilayered thermoplastic film comprising: a thermoplastic core layer a polyolefin having a density in the range of about 0.89 to about 0.97 grams per cubic centimeter and ionomers derived from sodium, lithium or zinc and an ethylene/methacrylic acid copolymer; first and second thermoplastic skin layers overlying both sides of the core layer; the composition of the core layer being different from the composition of the skin layers, and the core layer and the skin layers being characterized by the absence of PVC.

Closest prior art of Mueller discloses a heat-shrinkable multilayered thermoplastic film comprising claimed core and skin layers on both sides of the core layer, that is useful in packaging. Mueller fails to teach that a pressure sensitive adhesive layer overlies one of the skin layers.

Closest prior art of Josephy et al teach an oriented multilayered thermoplastic facestock comprising a core layer of polyethylene, skin layers on both sides of the core layer and a pressure sensitive adhesive layer overlying one of the skin layers, that is useful in label manufacture. Josephy et al fail to teach that the core layer further comprises claimed ionomers.

It would not be obvious to combine the teachings of Mueller and Josephy et al since Mueller relates to shrinkable packaging films whereas Josephy et al concerned with oriented films useful in label manufacture, i.e. the two patents are directed to different technology.

Claims 82-85, 87-89, 91, 92, 94, 95, 97-99, 101, 102, 104, 107-110, 113, 116 and 118 are allowed as further limiting allowed claim 81, 93, 103, 115, 117.

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*Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (571) 272-1429. The examiner can normally be reached on Mo-Thur. 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read 'ETsoy', is positioned above the typed name and title.

Elena Tsoy  
Examiner  
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March 8, 2004